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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,971	06/23/2000	H. Brock Kolls	USE-655US	1565
23122	7590	07/27/2009		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER LASTRA, DANIEL	
			ART UNIT 3688	PAPER NUMBER
			MAIL DATE 07/27/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/602,971

**Applicant(s)**

KOLLS, H. BROCK

**Examiner**

DANIEL LASTRA

**Art Unit**

3688

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10, 11, 13-16, 19, 22, 23 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, 13-16, 19, 22, 23 and 26-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/3508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-8, 10, 11, 13-16, 19, 22, 23 and 26-32 have been examined. Application 09/602,971 (Internet based network for automotive applications including the facilitation of e-commerce and e-business, and management of wireless connectivity with vehicles) has a filing date 06/23/2000.

### **Response to Amendment**

2. In response Non Final Rejection filed 11/17/2008, the Applicant filed an Amendment on 05/07/2009, which added new claim 32.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10, 11, 13-16, 19, 22, 23 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witkowski (US 7,257,426) in view of Treyz (US 6,526,335) and further in view of Treyz (US 6,587,835).

As per claims 1 and 13, Witkowski teaches:

A network system for effectuating data communication between a vehicle and a data processing resource, said system comprising:

An in vehicle monitoring unit for monitoring vehicle operations and for providing vehicle related information (see figure 4 item 10a; col 12, line 56 – col 13, line 15);

an in-vehicle device in operative communications with the in-vehicle monitoring unit and installed in said vehicle, said in-vehicle device having a first wireless network connectivity interface (see figure 4 item 10b); and

store display, said store display equipped with a communication interface device (see col 9, lines 60-67 "drive-through menu board"; col 13, lines 1-5 "website of the manufacturer of the vehicle") having:

a second wireless network connectivity interface, said second wireless network connectivity interface adapted to data communicates with said first wireless network connectivity interface (see figure 4, item 10a; ) and

communication interface to communicate data between said second wireless network connectivity interface and said data processing resource (see figure 4 item 48; col 13, lines 1-5 "remote database"), the communication interface communicating the vehicle related information from said in-vehicle monitoring unit via the in-vehicle device to said data processing resource for processing by the data processing resource (see col 10, lines 1-15 "vehicle location is detected approaching a drive through menu board"; col 13, lines 1-15 "malfunction is reported to the manufacturer"), wherein the data processing resource communicates selection information to the store display for selecting at least one of the products for sale responsive to the vehicle related information (see col 10, lines 101-25 "menu information is downloaded to the vehicle display system"; col 13, lines 1-10 "warranty and part information are accessed through the manufacturer website"). Witkowski does not expressly teach that said store display is physically adapted to hold a plurality of products for sale to and accessible by a

customer. However, Treyz teaches a mobile device which can be used in an vehicle (see Treyz 835 col 4, lines 1-5; Treyz 335 col 2, lines 60-65) where said in vehicle mobile device can wirelessly connect with a service facility or a dealer in order to monitor vehicle operations (see Treyz 335 col 82, lines 5-25) to order products or services from said dealer or service facility (see Treyz 335 col 83, lines 15-30) and where said mobile device wirelessly communicates with merchants (See Treyz 335 col 10, lines 39-55; Treyz 835 col 10, lines 33-45) . Treyz also teaches that said mobile device can also wirelessly connect with a store display physically adapted to hold a plurality of products for sale to and accessible by a customer (see Treyz 835 col 25, lines 5-35; col 29, line 40 – col 30, line 25) in order that a customer obtains information about products available in a physical store and place an order (see Treyz 835 col 30, lines 3-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Witkowski's in vehicle mobile device would wirelessly communicate with a store display physically adapted to hold a plurality of products for sale to and accessible by a customer and equipped with an RF communication interface, as taught by Treyz in order to wirelessly identify items inside a retail store and use the mobile device to place an order for the items.

As per claims 2 and 14, Witkowski teaches:

wherein said communication interface device further comprises:

a wireless data connection, said wireless data connection adapted to effectuate a data connection with a wireless device (see col 10, lines 1-25).

As per claims 3 and 15, Witkowski teaches:

wherein said wireless data connection includes at least one of the following:

a wireless transceiver interface (See col 10, lines 1-25);

said wireless device interface;

a wireless modem interface;

a wireless phone interface; or

a wireless data link (see col 10, lines 1-25).

As per claims 4 and 16, Witkowski teaches:

wherein said wireless device is at least one of the following:

a wireless phone;

a personal data assistant (see column 1, lines 20-30);

a pager;

a personal computer ;

an Internet appliance; or

a programmable storage device.

As per claim 5, Witkowski teaches:

wherein said in-vehicle device further comprises:

a wireless data connection, said wireless data connection adapted to effectuate a data connection with a wireless device (see col 10, lines 1-25).

As per claim 6, Witkowski teaches:

wherein said wireless data connection includes at least one of the following:

a wireless transceiver interface;

said wireless device interface;

- a wireless modem interface;
- a wireless phone interface; or
- a wireless data link (see col 10, lines 1-25).

As per claim 7, Witkowski teaches:

wherein said wireless device is at least one of the following:

- a wireless phone;
- a personal data assistant (see column 1, lines 20-30);
- a pager;
- a personal computer;
- an Internet appliance; or
- a programmable storage device.

As per claim 8, Witkowski teaches:

wherein said first wireless network connectivity interface, said second wireless network connectivity interface and said communication interface include at least one of the following communication interface types:

- a wired data link;
- a wide area network connection;
- a network connection (see col 2, lines 60-67);
- a universal serial bus port;
- a personal data assistant interface;
- an RS232 interface;
- an RS485 interface;

- a carrier current interface;
- a network connection to the Internet;
- a modem interface;
- a wireless modem interface;
- a wireless phone transceiver;
- a wireless phone interface;
- a wireless data link; or
- a local area network interface.

As per claim 10, Witkowski teaches:

wherein said data processing resource is one of the following:

- a global network data processing resource;
- a global network server (see col 2, lines 10-45);
- a global network application server;
- a global network database;
- a virtual private network
- an emergency monitoring network;
- a second communication interface device;
- a second in-vehicle device;
- a personal computer;
- a wireless phone;
- a personal data assistant;
- a pager;



a pocket sized personal computer;  
a programmable storage device; or  
an Internet appliance.

As per claim 11, Witkowski teaches:

wherein said first wireless network connectivity interface, said second wireless network connectivity interface and said communication interface data communicate by at least one of the following:

a wireless connection (see col 10, lines 1-25);  
a wired connection;  
a personal data assistant interface;  
a wireless phone interface;  
an RS232 serial interface;  
an RS485 interface;  
a USB port interface;  
an ethernet connection;  
a TCP/IP type network connection;  
a PPP type network connection;  
a SLIP type network connection;  
a socket layer network connection;  
BLUETOOTH protocol or standard; or  
Wireless Application Protocol or standard.

As per claim 19, Witkowski teaches:

A method of data communicating between an in-vehicle device installed in a vehicle and a data processing resource, said method comprising:

b) routing vehicle related information from an in-vehicle monitoring unit to the in-vehicle device (see figure 4 item 10a; col 12, line 56 – col 13, line 15);

c) communicating a plurality of digital content including vehicle related information wirelessly between the in-vehicle device and the store display equipped with a communication interface device to effectuate data communication of the vehicle related information from said in-vehicle device to said data processing resource (see col 10, lines 1-15 “vehicle location is detected approaching a drive through menu board”; col 13, lines 1-15 “malfunction is reported to the manufacturer”),

d) routing said plurality of digital content from said store display to said data processing resource (see col 10, lines 1-25);

e) determining at said data processing resource a plurality of return digital content including selection information for selecting at least one of the products for sale responsive at least in part to said plurality of digital content (see col 10, lines 101-25 “menu information is downloaded to the vehicle display system”; col 13, lines 1-10 “warranty and part information are accessed through the manufacturer website”).

f) routing said plurality of return digital content to said store display (see column 10, lines 1-25);

g) presenting said plurality of return digital content to said customer at said store display (see col 10, lines 101-25 “menu information is downloaded to the vehicle display

system"; col 13, lines 1-10 "warranty and part information are accessed through the manufacturer website").

Witkowski does not expressly teach:

a) physically holding by a store display that is accessible by a customer, a plurality of products for sale; h) physically selecting, by the customer, at said store display the at least one of the products of sale physically held by the store display responsive to the selection information using said presented return digital content. However, Treyz teaches a mobile device which can be used in an vehicle (see Treyz 835 col 4, lines 1-5; Treyz 335 col 2, lines 60-65) where said in vehicle mobile device can wirelessly connect with a service facility or a dealer in order to monitor vehicle operations (see Treyz 335 col 82, lines 5-25) to order products or services from said dealer or service facility (see Treyz 335 col 83, lines 15-30) and where said mobile device wirelessly communicates with merchants (See Treyz 335 col 10, lines 39-55; Treyz 835 col 10, lines 33-45) . Treyz also teaches that said mobile device also can wirelessly connect with a store display physically adapted to hold a plurality of products for sale to and accessible by a customer (see Treyz 835 col 25, lines 5-35; col 29, line 40 – col 30, line 25) in order that a customer obtains information about products available in a physical store and place an order (see Treyz 835 col 30, lines 3-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Witkowski's in vehicle mobile device would wirelessly communicate with a store display physically adapted to hold a plurality of products for sale to and accessible by a customer and equipped with an RF

communication interface, as taught by Treyz in order to wirelessly identify items inside a retail store and use the mobile device to place an order for the items.

As per claim 22, Witkowski teaches:

receiving the selection of one or more of said plurality of return digital content from said customer at said store display (see column 10, lines 1-25).

As per claim 23, Witkowski teaches:

wherein said data processing resource is a global network based data processing resource (see col 14, lines 40-65).

Claim 26, Witkowski teaches:

wherein the store display is configured to accept input from the customer via an input device such that the at least one of the products for sale is selected by the customer at the store display based on the vehicle related information provided from the in-vehicle device (see col 10, lines 1-25).

Claim 27, Witkowski teaches:

wherein the at least one of the products for sale is physically selected by the customer from the store display (see col 9, line 60 – col 10, line 25).

Claim 28, Witkowski teaches:

wherein the processing resource provides to the store display the selection information regarding the at least one of the products for sale that are compatible with the vehicle related information associated with the vehicle operations and provided from the in- vehicle device (see col 9, line 60 – col 10, line 25).

Claim 29, Witkowski teaches:

wherein the store display includes a display rack for physically holding the products for sale (see col 8, lines 56-67 “service maintenance center”; col 10, lines 1-25 “bank, prescription store, retail store”).

Claim 30, Witkowski teaches:

wherein the vehicle related information includes status information and/or maintenance parts of the vehicle used for physical selection of the products for sale at the store (see col 8, line 55-67).

Claim 31, Witkowski teaches:

wherein the in-vehicle device communicates at least vehicle operations information to the store display to aid the customer in the physical selection of one of the products held by the store display (see col 10, lines 1-25 “menu”).

Claim 32, Witkowski does not expressly teach:

wherein the store display is located within a store and wherein: responsive to the vehicle related information being received from the in-vehicle monitoring unit at the data processing resource, the data processing resource communicates product selection information to the store display for selecting by the user from within the store at least one of the products for sale physically held by store display. However, Treyz teaches a mobile device which can be used in an vehicle (see Treyz 835 col 4, lines 1-5; Treyz 335 col 2, lines 60-65) where said in vehicle mobile device can wirelessly connect with a service facility or a dealer in order to monitor vehicle operations (see Treyz 335 col 82, lines 5-25) to order products or services from said dealer or service facility (see Treyz 335 col 83, lines 15-30) and where said mobile

device wirelessly communicates with merchants (See Treyz 335 col 10, lines 39-55; Treyz 835 col 10, lines 33-45) . Treyz also teaches that said mobile device also can wirelessly connect with a store display physically adapted to hold a plurality of products for sale to and accessible by a customer (see Treyz 835 col 25, lines 5-35; col 29, line 40 – col 30, line 25) in order that a customer obtains information about products available in a physical store and place an order (see Treyz 835 col 30, lines 3-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Witkowski's in vehicle mobile device would wirelessly communicate with a store display physically adapted to hold a plurality of products for sale to and accessible by a customer and equipped with an RF communication interface, as taught by Treyz in order to wirelessly identify items inside a retail store and use the mobile device to place an order for the items.

#### **Response to Arguments**

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/  
Examiner, Art Unit 3688  
July 25, 2009